

CLERK'S OFFICE U.S. DIST. COURT  
AT ROANOKE, VA  
FILED

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
ROANOKE DIVISION

MAR 03 2014

JULIA A. DUDLEY, CLERK  
BY:   
DEPUTY CLERK

MATTER FORGODS PRODUCTION, )

Plaintiff, )

v. )

Civil Action No. 7:14CV91

SALEM VETERAN'S AFFAIRS  
MEDICAL CENTER, )

Defendant. )

**NOTICE OF REMOVAL**

The Salem Veteran's Affairs Medical Center, by counsel, Kartic Padmanabhan, Assistant United States Attorney for the Western District of Virginia, respectfully notices the Court as follows:

1. That the Salem Veteran's Affairs Medical Center is the defendant in a civil complaint now pending in the Circuit Court, City of Salem, Virginia styled *Matter Forgods Production v. Short*,<sup>1</sup> and the matter has not yet been to trial.
2. This action was commenced against the Salem Veteran's Affairs Medical Center by service thru registered mail with a Summons and a copy of the Complaint. Copies of all process and pleadings so served are attached hereto.
3. The Salem Veteran's Affairs Medical Center is, and was at the time of the actions complained of, an agency of the United States of America.

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<sup>1</sup> Although the Circuit Court, City of Salem, lists Delmar Short as the defendant, it is clear from the face of the complaint that this was in error. Specifically, Delmar Short is identified as the defendant's agent, thereby making the Salem Veteran's Affairs Medical Center the sole defendant.

4. This removal is brought pursuant to Title 28, United States Code, Sections 1441(a) and 1442(a)(1), said action in the state court being a civil action against an agency of the United States of America.

5. The Defendant will file a copy of this Notice of Removal with the Clerk, Circuit Court, City of Salem, Virginia.

For the foregoing reasons, the United States has, by operation of law, removed this action to the United States District Court, Western District of Virginia.

A copy of the Plaintiff's Complaint as filed with the Circuit Court, City of Salem is attached as Exhibit A.

An order has been tendered for the convenience of the court requesting that the original case file in the Circuit Court, City of Salem, Virginia be forwarded to the District Court for the Western District of Virginia, Roanoke Division, and directing the federal defendant to answer the Complaint or otherwise file a pleading pursuant to the Federal Rules of Procedure within sixty days from the filing date of the order.

Respectfully submitted,

ANTHONY P. GIORNO  
Assistant United States Attorney  
Attorney for the United States Acting Under  
Authority Conferred by 28 U.S.C. § 515

Date: March 3, 2014

/s/ Kartic Padmanabhan  
Kartic Padmanabhan  
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**CERTIFICATE OF SERVICE**

The undersigned certifies that on the 3rd day of March, 2014, the foregoing Notice of Removal was filed with the Clerk of this Court using the Court's CM/ECF system, and a copy was mailed by the United States Postal Service to the following:

Matter Forgods Production  
506 Roanoke Street, East  
Blacksburg, Virginia 24060

/s/ Kartic Padmanabhan  
Kartic Padmanabhan  
Assistant United States Attorney